

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE PETITION       §  
OF CHARLES R. BURLEY                 § No. 643, 2009  
FOR A WRIT OF MANDAMUS             §

Submitted: January 6, 2010

Decided: March 17, 2010

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY** Justices.

**ORDER**

This 17<sup>th</sup> day of March 2010, upon consideration of Charles Burley's petition for a writ of mandamus, as well as the State's answer and motion to dismiss, it appears to the Court that:

(1) Burley filed a petition requesting this Court to issue an extraordinary writ of mandamus directed to the Superior Court to act on motions for transcript that Burley wanted in order to pursue a motion for a judgment of acquittal or for a new trial and on a motion to recuse the trial judge.

(2) A review of the Superior Court docket in Burley's case reflects that the Superior Court has addressed all of Burley's preliminary motions and that Burley's motion for a judgment of acquittal or for a new trial remains pending before the Superior Court because Burley requested, and was granted, an extension of time until March 25, 2010 to file his reply to the State's answer. Accordingly, Burley's petition for a writ of mandamus is moot.

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of mandamus is DISMISSED as moot.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice